

# Supreme Court of Kentucky

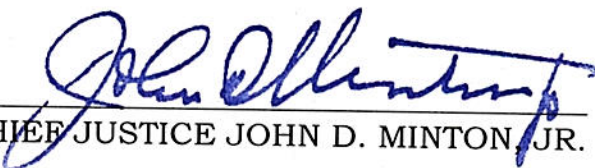
## ORDER

**IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND  
PROCEDURE FOR THE 5TH JUDICIAL DISTRICT,  
CRITTENDEN, UNION, AND WEBSTER COUNTIES**

Upon recommendation of the Judges of the 5th Judicial District, and  
being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 5th Judicial District,  
Crittenden, Union, and Webster counties, are hereby approved. This order  
shall be effective as of the date of this Order, and shall remain in effect until  
further orders of this court.

Entered this the 31st day of July 2013.

  
CHIEF JUSTICE JOHN D. MINTON, JR.

**LOCAL RULES FOR DISTRICT COURT FOR  
THE 5<sup>TH</sup> JUDICIAL DISTRICT  
CRITTENDEN, UNION AND WEBSTER COUNTIES**

In order to efficiently and effectively handle cases before the District Court, the Court hereby adopts the following Local Rules:

(1) **COURT SCHEDULES** – This is a general outline of Court schedules – dates are subject to change due to holidays and conferences. Please check with the local clerk. Due to increasing caseload, the Court cannot guarantee a case will be heard at its appropriated time.

(A) **CRITTENDEN COUNTY** – Court is held regularly every Wednesday beginning at 9:00 a.m. subject to the following:

(1) 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Wednesdays

9:00 a.m.

Probate/Guardians, Arraignments

10:00 a.m.

Preliminary Hearings

Pretrial Conferences

11:00 a.m.

2<sup>nd</sup> Mondays – Show Cause Hearings

1:30 p.m.

Juveniles (1<sup>st</sup> and 3<sup>rd</sup> Wednesdays)

(2) 2<sup>nd</sup> Wednesday

9:00 a.m.

Probate/Guardians, Arraignments

10:00 a.m.

Preliminary Hearings

Pretrial Conferences

1:30 p.m.

Small Claims and Evictions (2<sup>nd</sup> Wednesdays)

(3) 3<sup>rd</sup> Wednesday

9:00 a.m.

Probate/Guardians, Arraignments

10:00 a.m.  
Preliminary Hearings  
Pretrial Conferences

1:30 p.m.  
Juveniles (1<sup>st</sup> and 3<sup>rd</sup> Wednesdays)

(4) 4<sup>th</sup> Wednesday

9:00 a.m.  
Probate/Guardians, Arraignments

10:00 a.m.  
Pretrial Conferences  
Jury Trial – Defendant Report time

11:00 a.m.  
Jury Trials – Juror Report time

- (5) Special dates may be scheduled upon request. Emergency cases will be scheduled as needed.

**(B) UNION COUNTY**

Regular Court is held every Thursday subject to the following schedule:

- (1) 8:30 a.m.  
Closed circuit Jail Arraignments

8:45 a.m.  
Probate

9:00 a.m.  
Arraignments

10:00 a.m.  
Pretrial Conferences

11:00 a.m.  
Preliminary Hearings/Misc. Criminal Motions/Hardships

1:30 p.m.  
Juveniles/Guardians (1<sup>st</sup> and 3<sup>rd</sup> Thursdays)  
Evictions/Small Claims and Civil Matters (2<sup>nd</sup> and 4<sup>th</sup> Thursdays)  
2<sup>nd</sup> Mondays – Show Cause Hearings-at 1:30 p.m.

- (2) 2<sup>nd</sup> & 4<sup>th</sup> Fridays – Jury Trials at 9:00 a.m.
- (3) Special dates may be scheduled upon request. Emergency cases will be scheduled as needed.

(C) **WEBSTER COUNTY**

Regular Court is held every Tuesday of the month, subject to the following schedule:

(1) 1<sup>st</sup> Tuesday

8:30 a.m.  
Jail Arraignments

8:45 a.m.  
Probate

9:00 a.m.  
Arraignments

10:00 a.m.  
Pretrial Conferences  
Jury Trials—Defendant Report time

11:00 a.m.  
Jury Trials—Juror Report time

1:30 p.m.  
Evictions/Small claims and Civil Matters (1<sup>st</sup> and 3<sup>rd</sup> Tuesdays)

(2) 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Tuesdays

8:30 a.m.  
Jail Arraignments

8:45 a.m.  
Probate

9:00 a.m.  
Arraignments  
Show Cause Hearings (2<sup>nd</sup> Mondays)

10:00 a.m.  
Pretrial Conferences

## Preliminary Hearings

1:30 p.m.

Evictions/Small claims and Civil Matters (1<sup>st</sup> and 3<sup>rd</sup> Tuesdays)

Juveniles (2<sup>nd</sup> and 4<sup>th</sup> Tuesdays)

- (3) Special dates may be scheduled upon request. Emergency cases will be scheduled as needed.

## (2) **PRETRIAL CONFERENCES AND JURY TRIALS IN THE 5<sup>TH</sup> JUDICIAL DISTRICT**

- (1) Pretrial Conferences will be scheduled approximately one-two weeks prior to the trial date.

### (2) **Parties to be present**

(A) The Defendant and Complaining party, victim and/or witnesses **SHALL** be present at the Pretrial Conference. If either party/witness fails to appear after being duly notified and without good cause, the Court will enter sanctions against said person(s).

(B) The parties shall discuss the case and the Commonwealth shall report its recommendation to the Court. If the Defendant (or the Court) declines to accept the offer and the case cannot be settled in any agreeable manner, the case will remain on the jury trial docket and the Court will not be bound by any plea offer after the date of the Pretrial Conference.  
(Criminal cases)

## (3) **CIVIL MOTIONS**

- (1) All motions to be heard before the Court must be filed in accordance with the Kentucky Civil Rules. The Movant shall be responsible for providing adequate notice to all parties/counsel.
- (2) All motions for Summary Judgment and Judgment on the pleadings shall be noticed for an appropriate Civil Court hearing date as set out above and contain a Certificate of Service on the other party or parties. All parties shall personally appear at the designated hearing.
- (3) Routine motions may be made under CR 78(2) and shall direct the opposing party/attorney's attention to the fact that under this rule the motion maybe granted routinely by the Court ten (10) days after filing unless an objection is received or a response is filed. If an opposing party desires an



oral hearing on the motion, the opposing party shall so state and may proceed to notice the motion for the following motion day. All motions filed under this rule shall be accompanied with an appropriate proposed order.

**(4) SUBPOENAS**

All subpoenas for witnesses to appear for Pretrial Conferences, Motions, or Trials must be presented to the local Sheriff's Office at least 7 days prior to the scheduled appearance. Subpoenas should be served at least 3 business days prior to the scheduled court date. If they are not timely filed and service is not completed within the required time, no motion for continuance for lack of service will be granted except for showing of good cause. All motions for continuance due to witness unavailability must comply with Rcr 9.04.

**(5) DRESS CODE**

- (1) All attorneys shall dress in proper attire to appear before the Court.
- (2) NO person shall be allowed to appear before the Court while wearing shorts or tank tops, pajama bottoms, or other inappropriate or offensive attire and shoes are required. No person appearing before the Court may wear a hat or head covering unless required for medical or religious purposes.
- (3) Gum, food, drinks, or chew are not allowed in the Courtroom. Any and all cell phones present in Courtroom shall be on silent mode or turned off.

**(6) WEAPONS**

No weapons shall be allowed in the Courtroom or in any of the Court Offices, such as Circuit and District Clerks offices and the offices of the District Judge. This includes concealed weapons even though the person may have a valid permit to carry same. Any person who enters these restricted areas will be subject to a search of their person and/or property on their person and any weapons found may be subject to seizure and forfeiture to the Court and possible criminal charges filed.

This prohibition does not include or apply to any member of law enforcement, a Commonwealth or Assistant Commonwealth Attorney,

whether active or retired, a County Attorney or Assistant County Attorney, whether active or retired, and any Justice or Judge of the Court of Justice, whether active, retired or a Senior Status Judge.

(7) **OFFICE/COURT CLOSINGS**

The Circuit/District Court Clerk's Office and District Court will be closed according the official State Holiday Schedule. Closings due to inclement weather will be determined in accordance with Section 5.06 (2) of the Kentucky Court of Justice Personnel Policies.

(8) **CONDUCT**

All attorneys are to conduct themselves in accordance with the Code of Professional Courtesy. All persons appearing before the Court shall conduct themselves in a civilized manner. All persons failing to do so, may be subject to the contempt powers of the Court.


(9) **CAMERAS IN THE COURTROOM**

No video film/tape of Court proceedings shall be allowed unless directly authorized by the District Judge.

(10) **CLERKS**

The clerks located in the Circuit and District Clerk's Offices are not attorneys and **CANNOT** render legal advice to anyone. If a person has a legal question, they must contact an attorney.

THESE RULES HAVE BEEN APPROVED BY THE KENTUCKY SUPREME COURT AND ARE EFFECTIVE AS OF \_\_\_\_\_.

  
DANIEL M. HEADY  
DISTRICT JUDGE  
5<sup>TH</sup> JUDICIAL DISTRICT  
CRITTENDEN, UNION AND  
WEBSTER COUNTIES